SENATE BILL 551 (LRB -4462)

An Act to amend 281.165 (1); and to create 281.165 (4) of the statutes; relating to: creating an exemption for certain wetlands for the construction of a structure located in the town of Franklin, Kewaunee County.

2006

02-16.	S.	Introduced by Senators **A. Lasee**, **Stepp**, **Brown**, **Kanavas**, **Zien**, **Darling**, **S. Fitzgerald** and **Reynolds**; cosponsored by Representatives **Bies**, **F. Lasee**, **Pettis**, **Petrowski**, **M. Williams**, **Loeffelholz**, **Wood**, **Lothian**, **Townsend**, **Hahn**, **Ballweg**, **Hines**, **Musser**, **Montgomery**, **Nischke**, **Hundertmark**, **Newcomer**, **Kleefisch**, **Vos**, **Pridemore**, **Jensen**, **Moulton**, **LeMahieu**, **Honadel**, **Gielow**, **Ainsworth**, **Jeskewitz**, **Nerison**, **Ott**, **Kestell**, **Gunderson** and **Krawczyk**.	
02-03.	S.	Read first time and referred to select committee on DNR Regulatory Reform	581
02-15.	S.	Public hearing held.	
02-15.	S.	Executive action taken.	
02-16.	S.	Report passage recommended by select committee on DNR Regulatory Reform, Ayes 3, Noes 2	601
02-16.	S.	Available for scheduling.	
02-16.	S.	Placed on calendar 2-21-2006 by committee on Senate Organization.	
02-21.	S.	Read a second time	613
02-21.	S.	Ordered to a third reading	613
02-21.	S.	Rules suspended	613
02-21.	S.	Refused to refer to committee on Natural Resources and Transportation, Ayes 14, Noes 19	613
02-21.	S.	Read a third time and **passed**, Ayes 19, Noes 13	613
02-21.	S.	Ordered immediately messaged	615
02-27.	A.	Received from Senate	850
02-27.	A.	Read first time and referred to committee on Natural Resources	852
03-01.	A.	Public hearing held.	
03-08.	A.	Executive action taken.	
03-09.	A.	Report concurrence recommended by committee on Natural Resources, Ayes 10, Noes 4	937
03-09.	A.	Referred to committee on Rules	937
04-27.	A.	Placed on calendar 5-2-2006 by committee on Rules.	
05-02.	A.	Rules suspended to withdraw from calendar and take up.	
05-02.	A.	Read a second time.	
05-02.	A.	Ordered to a third reading.	
05-02.	A.	Rules suspended.	
05-02.	A.	Read a third time and **concurred in**, Ayes 59, Noes 36, Paired 2.	
05-02.	A.	Ordered immediately messaged.	
05-03.	S.	Received from Assembly concurred in.	

5B

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 05 - 4462 / 5

Amendments to above (if none, write "NONE"): None

Corrections – show date (if none, write "NONE"): None

Topic Rel

5-3-06
Date

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2005 SENATE BILL 551

February 3, 2006 – Introduced by Senators A. LASEE, STEPP, BROWN, KANAVAS, ZIEN, DARLING, S. FITZGERALD and REYNOLDS, cosponsored by Representatives BIES, F. LASEE, PETTIS, PETROWSKI, M. WILLIAMS, LOEFFELHOLZ, WOOD, LOTHIAN, TOWNSEND, HAHN, BALLWEG, HINES, MUSSER, MONTGOMERY, NISCHKE, HUNDERTMARK, NEWCOMER, KLEEFISCH, VOS, PRIDEMORE, JENSEN, MOULTON, LEMAHIEU, HONADEL, GIELOW, AINSWORTH, JESKEWITZ, NERISON, OTT, KESTELL, GUNDERSON and KRAWCZYK. Referred to Select Committee on DNR Regulatory Reform.

1 AN ACT ***to amend*** 281.165 (1); and ***to create*** 281.165 (4) of the statutes; **relating**
2 **to:** creating an exemption for certain wetlands for the construction of a
3 structure located in the town of Franklin, Kewaunee County.

Analysis by the Legislative Reference Bureau

Under current law, a person may not discharge dredged or fill material into certain wetlands unless the discharge is authorized by a certification from the Department of Natural Resources (DNR) that the discharge will meet all applicable state water quality standards. Current law also provides that, with certain exceptions, a person may not deposit material or place a structure upon the bed of a navigable water without a permit from DNR.

This bill creates an exemption for certain wetlands from the DNR water quality certification process and from the requirement to obtain certain approvals from DNR. Under the bill, an activity is considered to comply with the water quality standards that are applicable to wetlands if the wetland area that will be affected by the activity is less than one–half acre in size, the activity is the construction of a structure to be used as a shed, the site of the activity is located on specifically described property in Kewaunee County, all required approvals for the activity, including building permits, have been issued by the town of Franklin in Kewaunee County, and the activity was commenced before the bill's effective date. Such an

activity is also exempt, under the bill, from obtaining certain approvals from DNR that would otherwise be required for that activity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 281.165 (1) of the statutes is amended to read:

2 281.165 **(1)** COMPLIANCE; EXEMPTION. An activity shall be considered to comply
3 with the water quality standards that are applicable to wetlands and that are
4 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,
5 requirement, permit, license, approval, authorization, fee, notice, hearing,
6 procedure or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292
7 or 299 or specified under any rule promulgated, order issued or ordinance adopted
8 under any of those sections or chapters, if the activity meets all of the requirements
9 under ~~either~~ sub. (2) ~~or~~, (3) <u>or (4)</u>.

10 **SECTION 2.** 281.165 (4) of the statutes is created to read:

11 281.165 **(4)** KEWAUNEE COUNTY. Subsection (1) applies to an activity
12 commenced before the effective date of this subsection .... [revisor inserts date], that
13 meets all of the following requirements:

14 (a) The town of Franklin, Kewaunee County, has issued all approvals,
15 including building permits, that the town requires to be issued for the activity.

16 (b) The wetland area affected by the activity is less than one–half acre in size.

17 (c) The activity is the construction of a structure to be used as a shed and the
18 construction of improvements attendant to that structure.

1 (d) The site of the activity is located on property described as the north 1/2 of
2 the NW corner of the SE corner of section 12, township 22 north, range 23 east in the
3 town of Franklin, Kewaunee County.

4 **(END)**